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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,679

Applicant(s)

KADABA, NAGESH

Examiner

DANIEL P. VETTER

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
4a) Of the above claim(s) 1-32 and 61-71 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 33-60 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 11/06/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 1-71 were previously pending in this application. Claims 33, 39, 44, and 46-54 were amended in the reply filed September 30, 2008. Claims 1-71 are currently pending in this application, of which 1-32 and 61-71 are withdrawn from consideration.

Response to Arguments

2. Applicant's amendments overcome the rejections made under §§ 101 and 112, second paragraph, and these are withdrawn.

3. Applicant's argument that Morimoto is not sufficient to teach newly added limitations is moot in view of the new grounds of rejection.

4. Applicant's argument that Morimoto is not sufficient to teach comparing package information has been fully considered but is unpersuasive. Applicant argues that the package information data comparison is not taught by Morimoto. Remarks, page 25. Examiner respectfully disagrees. The alleged distinction between the claimed comparison and the information updating functionality in Morimoto is specious. Applicant appears to acknowledge that the "data file" referenced in col. 13 of Morimoto contains "package information data." See Remarks, page 25. In Morimoto, the data file (containing the package information) can be updated with new information, which is subsequently conveyed to the central server after each update (col. 13, lines 11-15). In a computing context (such as the server system in Morimoto) when a data file is updated, it is done based upon the specific older corresponding information that preceded it, which contained either the same or different data. It is in this manner that the system correlates, or compares, related package information data with the previously compiled package data already at the central server. Examiner maintains that this disclosure meets the disputed limitation, and the rejections are maintained.

5. Applicant's argument that Himmelstein is non-analogous art has been fully considered but is unpersuasive. Examiner acknowledges that Himmelstein's disclosure is principally concerned with a securities bartering system rather than a shipping

system. However, both share similarities in accounting and financial transactions that can readily be implemented in both environments, and thus the disclosure is reasonably pertinent. Both are also classed in 705, for financial data processing systems. Applicant alleges that any similarities are "outweighed by structural and functional differences," but provides only conclusory statements to that effect, (e.g., that the functions are "significantly different"). Remarks, page 28. There is no evidence on the record that the financial data processing functions of Himmelstein and other bartering systems (specifically, the use of an escrow account) would be difficult or abnormal to implement within the context of a shipping system. Indeed, many shipping systems are also configured to support bartering (e.g., Morimoto, the primary reference). One of ordinary skill in the art would therefore logically look to such bartering systems when configuring the accounting and payment functionalities of a shipping system that includes such features, thereby noting the usefulness of escrow accounts in payment schemes. Accordingly, examiner considers Himmelstein to be sufficiently analogous art and the rejections are maintained.

6. Applicant's argument that Thiel teaches away from the proposed combination and claimed invention has been fully considered but is unpersuasive. Applicant argues that Thiel teaches away from the claimed invention because the reference is concerned with a single carrier rather than a plurality of carriers. Remarks, page 29. Examiner respectfully disagrees. Applicant mischaracterizes the content of Thiel's disclosure. Rather than using just a single carrier for a shipment, an intermediate carrier is used to transport a shipment of postal matter to another carrier. "The receipt of the shipping order from the shipper for at least one postal item is then performed by the intermediary. This shipping order is then in turn relayed from the intermediary to the carrier . . ." Thiel, ¶ 0044 (emphasis added). Moreover, simply because more than one alternative embodiment exists in the prior art does not rise to a teaching away. "The prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Nothing in Thiel appears to present the claimed

embodiment as an unworkable solution. The payment functionality would have been obvious to include for the reasons set forth in the rejections below and would not produce unpredictable results. Accordingly, the rejections are maintained.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 33-35, 46-49, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto, U.S. Pat. No. 7,035,856 (Reference A of the PTO-892 part of paper no. 20080528) in view of Cordery, et al., U.S. Pat. Pub. No. 2004/0093312 (Reference A of the attached PTO-892).

9. As per claim 33, Morimoto teaches a computer system for routing delivery of a package by a plurality of carriers each having one of a plurality of physical delivery systems wherein delivery is requested by a shipper computer system, said computer system comprising:

an initial carrier computer system connected in electronic communication with the carrier physical delivery system of an initial one of the carriers and the shipper computer system (col. 9, lines 1-9), said initial carrier computer system: configured to obtain package information data from the shipper computer system, said package information data including a consignee address (col. 10, lines 22-24); configured to determine whether the consignee address is in a first classification or second classification (col. 9, lines 17-29), configured to instruct the initial carrier physical delivery system to deliver the package to the consignee address in response to the address being in a second classification (col. 10, lines 39-45, 60-67, col. 11, lines 7-9), and configured to determine an intermediate location at which a subsequent one of the carriers is configured to

receive the package in response to the address being in a first classification (col. 9, lines 23-26, col. 10, lines 60-67; col. 11, lines 7-10); and

a subsequent carrier computer system connected in communication with the initial carrier computer system and a subsequent one of the carrier physical delivery systems (col. 8, lines 35-40, col. 9, lines 1-9), said subsequent carrier computer system: configured to obtain the package information data, including the consignee address, and the intermediate location from the initial carrier computer system (col. 9, line 48, col. 11, lines 13-17); configured to receive instructions from the initial carrier computer system to receive the package at the intermediate location and complete delivery to the consignee address (col. 9, lines 48-50, col. 11, lines 13-17); and configured to send the package information data, including the consignee address, and the intermediate location to the subsequent carrier physical delivery system and instructing the subsequent carrier delivery system to obtain the package at the intermediate location and complete delivery of the package to the consignee address (col. 11, lines 21-29, 55-63).

Morimoto does not explicitly teach that the first classification is an urban destination classification and the second is a rural destination classification; which is taught by Cordery (¶ 0081). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the urban/rural classifications in Cordery for the best-way by address classifications taught in Morimoto. Both determinations share similar characteristics and functions (i.e., determining the proper routing of a package in accordance with certain rules). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate sunshine costs because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results. Morimoto's system would still work for its intended purpose if one of the intermediate destinations was specifically for hand-offs of mail to alternate rural carriers (as described in Cordery, ¶¶0081-83), and this modification would lead to the

predictable result of a more robust shipping system. Examiner is interpreting an urban destination classification as one that is not specifically for rural delivery.

10. As per claim 34, Morimoto in view of Cordery teaches the system of claim 33 as described above. Morimoto further teaches the package information data includes an initial carrier tracking number (col. 2, line 64) and wherein the initial carrier computer system is configured to communicate with a scanning device of the initial carrier physical delivery system to receive tracking data indicating detection of the initial carrier tracking number at the intermediate location by the scanning device (col. 3, lines 7-12), said initial carrier computer system also configured to electronically notify the subsequent carrier tracking system of arrival of the package at the intermediate location (col. 11, lines 12-27).

11. As per claim 35, Morimoto in view of Cordery teaches the system of claim 34 as described above. Morimoto further teaches the package information data also includes a subsequent carrier tracking number (col. 15, lines 3-9) and wherein the subsequent carrier computer system is configured to communicate with a scanning device of the subsequent carrier physical delivery system to receive tracking data indicating detection of the subsequent carrier tracking number at the consignee location (col. 11, lines 37-41), said subsequent carrier computer system configured to notify the first carrier computer system of detection of the subsequent carrier tracking number at the consignee address (col. 11, lines 24-29). Examiner notes that, in Morimoto, the initial shipping company shares the tracking number with subsequent shipping companies (col. 15, lines 3-15). For all purposes in applying this reference, examiner is interpreting this to disclose an initial and subsequent tracking number, as the claims do not require the numbers to be different from one another.

12. As per claim 46, Morimoto teaches a method of routing delivery of a package by a plurality of carriers each having one of a plurality of physical delivery systems, said method of routing comprising: executing one or more processors (col. 16, lines 33-45), wherein the one or more processors are adapted for: obtaining package information data, including a consignee address, from a shipper (col. 10, lines 22-24); determining

whether the consignee address matches a first classification or a second classification (col. 9, lines 23-29); instructing the initial carrier physical delivery system to deliver the package to the consignee address in response to the consignee address matching the second classification (col. 10, lines 56-59, col. 11, lines 7-9); and determining an intermediate location at which a subsequent one of the carriers is configured to receive the package in response to the consignee address matching the first classification (col. 9, lines 23-26, col. 10, lines 61-63).

Morimoto does not explicitly teach that the first classification is an urban destination classification and the second is a rural destination classification; which is taught by Cordery (¶ 0081). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the urban/rural classifications in Cordery for the best-way by address classifications taught in Morimoto. Both determinations share similar characteristics and functions (i.e., determining the proper routing of a package in accordance with certain rules). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate sunshine costs because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results. Morimoto's system would still work for its intended purpose if one of the intermediate destinations was specifically for hand-offs of mail to alternate rural carriers (as described in Cordery, ¶¶ 0081-83), and this modification would lead to the predictable result of a more robust shipping system. Examiner is interpreting an urban destination classification as one that is not specifically for rural delivery.

13. As per claim 47, Morimoto in view of Cordery teaches the method of claim 46 as described above. Morimoto further teaches sending the package information data and the intermediate location to the subsequent carrier physical delivery system (col. 10, lines 61-65) and instructing the subsequent carrier physical delivery system to obtain the package at the intermediate location and complete delivery of the package to the consignee address (col. 11, lines 12-17, col. 12, lines 1-2).

14. As per claim 48, Morimoto in view of Cordery teaches the method of claim 47 as described above. Morimoto further teaches obtaining an initial carrier tracking number (col. 2, line 64) and obtaining tracking data indicating detection of the initial carrier tracking number at the intermediate location in response to the use of a scanning device of the initial carrier physical delivery system (col. 3, lines 7-12).

15. As per claim 49, Morimoto in view of Cordery teaches the method of claim 48 as described above. Morimoto further teaches notifying the subsequent carrier tracking system of detection of the initial carrier tracking number at the intermediate location (col. 11, lines 24-29).

16. As per claim 54, Morimoto teaches a computer program product for routing delivery of a package, the computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein (col. 16, lines 33-41), the computer-readable program code portions comprising: a first executable portion for obtaining package information data, including a consignee address, from a shipper computer system (col. 10, lines 22-24); a second executable portion for determining whether the consignee address matches a first classification or a second classification (col. 9, lines 23-29); a third executable portion for instructing an initial carrier physical delivery system to deliver one of the packages to the consignee address in response to the consignee address matching the second classification (col. 10, lines 56-59, col. 11, lines 7-9); and a fourth executable portion for determining an intermediate location at which a subsequent one of the carriers is configured to receive the package in response to the consignee address matching the first classification (col. 9, lines 23-26, col. 10, lines 61-63).

Morimoto does not explicitly teach that the first classification is an urban destination classification and the second is a rural destination classification; which is taught by Cordery (§ 0081). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the urban/rural classifications in

Cordery for the best-way by address classifications taught in Morimoto. Both determinations share similar characteristics and functions (i.e., determining the proper routing of a package in accordance with certain rules). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate sunshine costs because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results. Morimoto's system would still work for its intended purpose if one of the intermediate destinations was specifically for hand-offs of mail to alternate rural carriers (as described in Cordery, ¶¶0081-83), and this modification would lead to the predictable result of a more robust shipping system. Examiner is interpreting an urban destination classification as one that is not specifically for rural delivery.

17. As per claim 55, Morimoto in view of Cordery teaches the product of claim 54 as described above. Morimoto further teaches a fifth executable portion for sending the package information data and the intermediate location to the subsequent carrier physical delivery system (col. 10, lines 61-65) and instructing a subsequent carrier physical delivery system to obtain the package at the intermediate location and complete delivery of the package to the consignee address (col. 11, lines 12-17, col. 12, lines 1-2).

18. As per claim 56, Morimoto in view of Cordery teaches the product of claim 55 as described above. Morimoto further teaches a sixth executable portion for obtaining an initial carrier tracking number as part of the package information data (col. 2, line 64) and obtaining tracking data indicating detection of the initial carrier tracking number at the intermediate location using a scanning device of the initial carrier physical delivery system (col. 3, lines 7-12).

19. Claims 36-43, 52-53, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Cordery, et al. as applied to claims 35, 48, and 56 above, further in view of Delfer, III, U.S. Pat. No. 5,774,885 (Reference 1 of the IDS submitted 02/08/2008).

20. As per claim 36, Morimoto in view of Cordery teaches the system of claim 35 as described above. Morimoto further teaches the initial carrier computer system is further configured to combine the package information data with the tracking data indicating detection of the package at the intermediate location into an electronic data file using the initial carrier tracking number (col. 11, lines 24-29; Fig. 4), wherein the initial carrier computer system is configured to bill the subsequent carrier by transmitting the electronic data file to the subsequent carrier computer system (col. 11, lines 12-17, col. 15, lines 15-20). Morimoto does not teach that the data file is a billing manifest; which is taught by Delfer (col. 11, lines 13-20). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the billing manifests in Delfer for the data files used in Morimoto. Both elements share similar purposes and characteristics. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate billing manifests because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

21. As per claim 37, Morimoto in view of Cordery and Delfer teaches the system of claim 36 as described above. Morimoto further teaches the initial carrier computer system is also configured to combine the tracking data indicating detection of the package at the consignee address with the package information data in the data file using the subsequent carrier tracking number (col. 11, lines 24-27, Fig. 4, col. 15, lines 10-15). Delfer further teaches the data file is a billing manifest as set forth above with respect to claim 36.

22. As per claim 38, Morimoto in view of Cordery and Delfer teaches the system of claim 37 as described above. Morimoto further teaches the subsequent carrier computer system is configured to display the data file for audit (col. 11, lines 21-24). Delfer further teaches the data file is a billing manifest as set forth above with respect to claim 36.

23. As per claim 39, Morimoto in view of Cordery and Delfer teaches the system of claim 37 as described above. Morimoto further teaches the subsequent carrier computer system is configured to compare the package information data with the tracking data indicating detection of the package at the consignee address to confirm delivery of the package on the electronic data file (col. 14, lines 50-62). Delfer further teaches the data file is a billing manifest as set forth above with respect to claim 36.

24. As per claim 40, Morimoto in view of Cordery and Delfer teaches the system of claim 39 as described above. Morimoto further teaches the initial carrier computer system is configured to obtain from the shipper computer system a compilation of package information data on a plurality of packages (col. 10, lines 45-46) and is further configured to periodically compare the package information data to the compilation of package information data to confirm receipt of the package information data from the shipper computer system (col. 13, lines 9-15).

25. As per claim 41, Morimoto in view of Cordery and Delfer teaches the system of claim 40 as described above. Morimoto further teaches the initial carrier computer system is configured to electronically transmit at least one of the package information data, the tracking data and the electronic billing manifest to the shipper computer system or a consignee computer system (col. 11, lines 12-17).

26. As per claim 42, Morimoto in view of Cordery and Delfer teaches the system of claim 37 as described above. Morimoto further teaches the initial carrier computer system is further configured to generate cost of shipment data, including costs associated with delivery of the package by one or more participating carriers (col. 10, lines 36-39), generating an electronic invoice including the cost of shipment data and transmitting the electronic invoice to the shipper computer (col. 10, line 61 - col. 11, line 3; Fig. 4).

27. As per claim 43, Morimoto in view of Cordery and Delfer teaches the system of claim 42 as described above. Morimoto further teaches the cost of shipment data includes a cost of delivery to the intermediate location by the initial carrier and a cost of delivery to the consignee location by the subsequent carrier (col. 10, lines 39-45, 61-63).

28. As per claim 50, Morimoto in view of Cordery teaches the method of claim 48 as described above. Morimoto further teaches constructing a data file by correlating, using the initial carrier tracking number, the package information data with the tracking data indicating detection of the initial carrier tracking number at the intermediate location (col. 11, lines 24-29; Fig. 4). Morimoto does not teach that the data file is a billing manifest; which is taught by Delfer (col. 11, lines 13-20). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the billing manifests in Delfer for the data files used in Morimoto. Both elements share similar purposes and characteristics. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate billing manifests because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

29. As per claim 51, Morimoto in view of Cordery and Delfer teaches the method of claim 50 as described above. Morimoto further teaches obtaining a subsequent carrier tracking number and obtaining tracking data indicating detection of the subsequent carrier tracking number at the consignee address in response to the use of a scanning device of the subsequent carrier physical delivery system (col. 11, lines 24-27, Fig. 4, col. 15, lines 10-15).

30. As per claim 52, Morimoto in view of Cordery and Delfer teaches the method of claim 51 as described above. Morimoto further teaches constructing the data file includes correlating, using the subsequent carrier tracking number, the package information with the tracking data indicating detection of the subsequent carrier tracking number at the consignee address (col. 14, lines 59-67). Delfer further teaches the data file is a billing manifest as set forth above with respect to claim 50.

31. As per claim 53, Morimoto in view of Cordery and Delfer teaches the method of claim 50 as described above. Morimoto further teaches comparing the electronic data file with the tracking data indicating detection of the subsequent carrier tracking number

at the consignee address to confirm delivery of the package on the electronic data file (col. 14, lines 59-67). Delfer further teaches the data file is a billing manifest as set forth above with respect to claim 50.

32. As per claim 57, Morimoto in view of Cordery teaches the product of claim 56 as described above. Morimoto further teaches a seventh executable code portion for constructing a data file by correlating, using the initial carrier tracking number, the package information data with the tracking data indicating detection of the initial carrier tracking number at the intermediate location (col. 11, lines 24-29; Fig. 4). Morimoto does not teach that the data file is a billing manifest; which is taught by Delfer (col. 11, lines 13-20). Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself—that is, in the substitution of the billing manifests in Delfer for the data files used in Morimoto. Both elements share similar purposes and characteristics. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate billing manifests because it is merely the simple substitution of one known element for another that could be implemented through routine engineering producing predictable results.

33. As per claim 58, Morimoto in view of Cordery and Delfer teaches the product of claim 57 as described above. Morimoto further teaches an eighth executable code portion for obtaining a subsequent carrier tracking number as part of the package information data and obtaining tracking data indicating detection of the subsequent carrier tracking number at the consignee address using a scanning device of a subsequent carrier physical delivery system (col. 11, lines 24-27, Fig. 4, col. 15, lines 10-15).

34. As per claim 59, Morimoto in view of Cordery and Delfer teaches the product of claim 58 as described above. Morimoto further teaches the seventh executable code portion is further for correlating, using the subsequent carrier tracking number, the

package information data with the tracking data indicating detection of the subsequent carrier tracking number at the consignee address (col. 14, lines 59-67).

35. As per claim 60, Morimoto in view of Cordery and Delfer teaches the product of claim 59 as described above. Morimoto further teaches a ninth executable code portion for comparing the electronic data file with the tracking data indicating detection of the subsequent carrier tracking number at the consignee address to confirm delivery of the package on the electronic billing manifest (col. 14, lines 59-67). Delfer further teaches the data file is a billing manifest as set forth above with respect to claim 57.

36. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in view of Cordery, et al. and Delfer, III as applied to claim 43 above, further in view of Thiel, U.S. Pat. Pub. No. 2002/0077847 (Reference B of the PTO-892 part of paper no. 20080528) and Himmelstein, U.S. Pat. Pub. No. 2002/0032643 (Reference C of the PTO-892 part of paper no. 20080528).

37. As per claim 44, Morimoto in view of Cordery and Delfer teaches the system of claim 43 as described above. Morimoto in view of Cordery and Delfer does not explicitly teach the initial carrier computer system is configured to control receipt of funds from the shipper computer system for payment of the invoice, debit an amount of the funds for shipment services provided by the initial carrier; which are taught by Thiel (¶¶ 0058-59, 82). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Thiel because this is merely a combination of old elements. In the combination each element would have served the same purpose as it did separately, and one skilled in the art would have recognized that the combination could be implemented through routine engineering producing predictable results. Morimoto in view of Cordery and Delfer does not teach to deposit a remaining amount of the funds in an escrow account; which is taught by Himmelstein (¶ 0119). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Himmelstein because this as well is merely a combination of old elements that would produce only predictable results and could be implemented through routine engineering.

38. As per claim 45, Morimoto in view of Cordery, Delfer, Thiel, and Himmelstein teaches the system of claim 44 as described above. Thiel further teaches the subsequent carrier computer system is electronically connected to the account and is configured to withdraw funds from the account for shipping services provided by the subsequent carrier (§ 0126) and is also configured to compare the amount of the funds debited by the initial carrier to the electronic billing manifest (§§ 0128-29). Himmelstein further teaches the account is an escrow account (§ 0119). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the elements for the same reasons set forth above with respect to claim 44.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tighe, U.S. Pat. Pub. No. 2003/0003936 (Reference B of the attached PTO-892) teaches that in rural areas, the postal service contracts to rural carriers who use their own private cars under private contract to the U.S. Postal Service (§ 0034).

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is

(571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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